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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/802,926

03/18/2004

Jin-hyuk Choi

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01/24/2006

STAAS & HALSEY LLP

SUITE 700

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WASHINGTON, DC 20005

EXAMINER

COLON SANTANA, EDUARDO

ART UNIT

PAPER NUMBER

2837

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/802,926	CHOI ET AL.	
	Examiner	Art Unit	
	Eduardo Colon Santana	2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 November 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16, 18-20 and 22-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-16, 18-20 and 22-42 is/are allowed.
- 6) ☒ Claim(s) 43 and 44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input checked="" type="checkbox"/> Other: <u>Detailed Action</u> .      |

**DETAILED ACTION**

1. Applicant's amendment filed on 11/01/2005 have been received and entered in the case.
2. Applicant's amendments with respect to claims 1 and 24 have been fully considered. However, the arguments with respect to claim 43 are not persuasive.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 43 is rejected under 35 U.S.C. 102(b) as being anticipated by Dalpane U.S. Patent No. 4,788,999.

Referring to claim 43, Dalpane discloses an automatic servo-controlled lifting member for a reaction chamber (see all figures and respective portions of the specification). Dalpane further depicts from figure 1, a chamber having part of a main body (10), including a lid (20) joined to a lid hinge (21) to rotationally opening and closing the lid of a chamber having an upper opening thereof. Furthermore, Dalpane describes the use of a lifting member, having a first end (32) separated from a rotation axis of the lid and rotatably joined with the lid; and a second end (13) rotatably joined to the main body (10); and a driver couple to an actuator (40) to activate

the lifting member. Also, Dalpane discloses in figure 1, an inner member (243) movably disposed in the outer member, a movable hinge (32) rotatably joining the lifting member to the lid (20), a combiner (13) connecting the outer member to the main body (10), a driver being part of the outer member including an actuator with inherently includes a motion converter to move the inner member (243) to open and close the lid. Moreover, Dalpane depicts a lid rotation system including a driver couple with an actuator (40) that would position the lid approximately parallel to a sealing member (11) to ease creation of a vacuum in the chamber when closed.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dalpane in view of Suzuki U.S. Patent No. 6,067,667.

Referring to claim 44, Dalpane addresses the similar limitations of claim 43 above including the use of a driver for an actuator to convert hydraulic or pneumatic energy to effective motion to open and close the lid (20). However, Dalpane does not teach nor describe the use of a location sensor or a controller to drive the motor or actuator in response to the signal from the location sensor.

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Nonetheless, Suzuki discloses a semi-automatic closing device for a seat lid, in which a sensor (100) is used to sense the location of a lid together with a drive circuit (120) which controls a driving motor (10) in response to the signal from the sensor (100) (see figure 5 and Col. 3, lines 21-35). Even though, Dalpane and Suzuki seem to be classified in different arts, both inventors employ the same teaching of opening and closing a lid. It would have been obvious to one of ordinary skill in the art at the time of the invention to use a location sensor as taught by Suzuki within the teaching of Dalpane for the purpose/advantages that a sensor would minimized the excessive force applied by an actuator to convert hydraulic or pneumatic energy to effective motion of opening a lid or closing a lid aptly to create a vacuum.

***Allowable Subject Matter***

5. Claims 1-16, 18-20, and 22-42 are allowed.

***Response to Arguments***

6. Applicant's arguments filed 11/01/2005 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "movable hinge accommodating part combined to the lid or a movable hinge shaft accommodated in the movable hinge hole...") are not recited in the rejected claim 43. Although the claims are interpreted in light of the specification, limitations from the specification are not read

into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

**Conclusion**

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eduardo Colon Santana whose telephone number is (571) 272-2060. The examiner can normally be reached on Monday thru Thursday 6:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Martin can be reached on (571) 272-2800 X.37. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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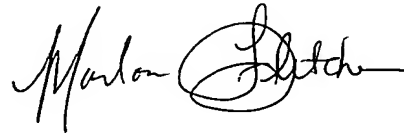
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center at 866-217-9197.



Eduardo Colon Santana  
Examiner  
Art Unit 2837

ECS  
January 6, 2006



MARLON T. FLETCHER  
PRIMARY EXAMINER